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Congress Moves to Relax Curbs on CIA

Proposed bills may allow academics to be used as agents

Congress, acting in concert with the Carter Administration and in reaction to recent foreign policy problems, is backing away from the intelligence community reforms it proposed after the revelation of Central Intelligence Agency (CIA) and Federal Bureau of Investigation skulduggery in the mid-1970's. Sensing a shift in the mood of the public at large, the Congress no longer supports restrictions on the use of covert intelligence actions to influence world events, or the normalization of contacts between spies and university professors, or the disclosure of historical and nonessential information about what the CIA has been up to.

The Senate Select Committee on Intelligence introduced legislation on 8 February that abandons these reforms and also permits the burglary and wiretapping of U.S. citizens both at home and abroad under certain circumstances without a court order. Earlier prohibitions on the use of university professors as covert spies—which some leading spokesmen for the academic community decried as too weak—have now disappeared. Nothing in the proposal prevents the CIA from paying a professor to gather intelligence or to conduct secret intelligence operations without the knowledge of the school at which he or she is employed. Similarly, nothing in the bill prevents the CIA from conducting extensive background investigations of foreign students on American campuses without their knowledge, so long as they are being considered as potential agency recruits. Referring to the pleas of Harvard University president Derek Bok for guidelines along these lines, Senator Walter Huddleston (D-Ky.), a principal sponsor of the bill, said, "We just threw the ball back in Mr. Bok's court." Huddleston said that academic institutions were welcome to create their own prohibitions if they wished, but that it would not be done at the federal level.

The House intelligence committee is at present considering a much narrower bill than the Senate's, but one that is similar in one respect: It exempts the CIA

from most of the Freedom of Information Act, by permitting it to exclude the majority of its files from the data search mandated by a freedom of information (FOI) request. The only exception is information about the requester, which will still be supplied.

John Rosenberg, a historian in Washington and adviser to the Organization of American Historians, calls this exemption "an absolute disaster and a fraud. No one has yet demonstrated that the FOI has caused the problems the agency says it has. It's kind of like coming home and kicking the dog because you had a bad day at the office." Congress, he says, has little awareness of the importance of the FOI act to historians researching CIA-related topics. Noted works that depended on information gathered under FOI include Allen Weinstein's investigation of Alger Hiss, William Shawcross's book on Cambodia, and Peter Wyden's book on the Bay of Pigs.

The House bill also features a unique proposal, one that is strongly backed by the CIA but which the Justice Department has suggested is unconstitutional. The bill prohibits the disclosure of the names of CIA operatives or sources (including, presumably, professors), on penalty of criminal trial. Unlike the Senate's proposal, the ban is not restricted only to current and former federal employees with access to classified information; journalists and agency critics alike would be covered if they "intend to impede the foreign intelligence actions of the United States." Press disclosures about agency personnel involved in the Bay of Pigs invasion would presumably have fallen under this provision.

Each bill is being considered against the backdrop of American foreign policy reversals in Iran and Afghanistan, although the relevance of the reforms to these events is at best uncertain. Congress became galvanized when President Carter interrupted his January State of the Union Address to say, "We need to

remove unwarranted restraints on America's ability to collect intelligence." Although Carter used the words "collect intelligence," his reference was to a 1974 law that restrained the use of covert intelligence action. The law did this by requiring that the CIA inform eight congressional committees, a large enough group so that the agency has worried constantly about security leaks. David Aaron, Deputy Assistant for National Security Affairs, told *Science* that removing the notification requirement is a long-standing concern of the President, "but when you find the Soviets stirring up trouble in Iran, doing more than that overtly in Afghanistan, taking aim at Pakistan, working with the East Germans and the Cubans in North Yemen, which is ultimately aimed at the Saudis, you have to have some action to deal with that." The Senate bill requires that only two committees be apprised of covert actions, although the White House believes even this is too much.

Concern about ties between the academic and intelligence communities was aroused by the publication in 1976 of the Church committee report, which in heavily censored sections reported that the CIA was "currently in contact with many thousands of U.S. academics at hundreds of U.S. academic institutions." Although most of the professors were used for recruiting and consultations on foreign affairs and science, some were being used to write and distribute propaganda, and several were being used abroad to "serve operational principles, primarily the collection of intelligence." Records released under FOI reveal the agency was particularly interested in the topics of mathematics, optics, climate forecasting, chemistry, and medicine, including virus research. The committee recommended not only that all researchers be informed when their funding came from the CIA budget, but also that the administrators at each school be informed of contacts between the agency and individual professors.

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